

Exhibit L

EMERGENCY ALERTS

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COVID-19 Essential Services FAQs

Updated: Monday, May 4, 2020

Please find a list of FAQs below which address many of the submissions received by EOHED relating to “[COVID-19 Essential Services \(/info-details/covid-19-essential-services\)](#)” guidance associated with Governor Baker’s March 23, 2020 Emergency Order (which was updated and extended on March 31, 2020).

If a service qualifies as essential, it may continue operations. Both public-facing and private services that remain open should implement certain practices and procedures to reduce the spread of COVID-19 [covered in this guidance \(/doc/guidance-regarding-the-operation-of-essential-services\)](#).

As always, we urge businesses to follow social distancing protocols for workers and customers in accordance with guidance from the Department of Public Health.

All submissions through the Essential Service Designation Request [form \(/forms/essential-service-designation-request\)](#) are actively reviewed by EOHED staff.

Further guidance will be provided on a rolling basis through this FAQ page which will

be updated regularly.

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General Questions - Essential Services Related

- If my business or organization is defined as providing “COVID-19 Essential Services,” do I need a physical designation or certificate to continue my brick-and-mortar operations? **NO. If covered, a business does not need to take any action or receive an essential service designation, or certificate.**
- If my employer provides essential services and I am reporting to work, do I need to provide or carry with me any sort of documentation? **NO**
- If my city has deemed me non-essential, but the Governor has deemed me essential (or vice versa) should I stay open?
 - If your business provides an essential service, you are not required to stay open, but you may. If the Governor has deemed your business essential, your city or town is prohibited from deeming your business non-essential and preventing you from remaining open if you are complying with the Governor’s order.
- If my business is non-essential, can I go to my place of business to perform routine maintenance on the facility, attend to perishable products or property, or perform other necessary tasks?
 - **YES.** If you are the owner of a non-essential business, you may go to your business facility as needed to take care of crucial tasks that cannot be done remotely or to retrieve necessary materials or documents. Your employees may not go to your bricks-and-mortar place and may not conduct business activities on-site unless your business is following the newly updated guidelines for remote fulfillment that are spelled out below.
- Can non-essential businesses stay open if they shift to exclusively curbside pick up? **NO**
- Can employees of non-essential businesses still come in to do non-essential work? **NO unless the business and its employees are following the guidelines for remote fulfillment spelled out below.**
- Can non-essential businesses bring in a small number of employees in order to remotely fulfill online or phone orders? **YES if following the remote fulfillment**

guidelines below

- Facilities must be closed to the public, as the allowance is for the fulfillment of remote sales/orders only
- Employees may only be engaged in the packaging and delivery/shipping of phone and online orders, not the manufacturing of those products
- Operating hours must allow for sufficient ongoing off-hour sanitation/cleaning
- All employees must wear face coverings while on-site
- All employees must maintain 6 feet social distancing and employers should stagger employees within the facility to ensure social distancing
- Any deliveries made by employees must be ‘no-contact’ deliveries: items must be left in mailboxes, mailrooms, garages, lobbies, at doorstep, or similar no-contact drop-off points
- Employers must stagger shift start/stop times and breaks/lunchtimes in order to minimize contact
- Facilities must have readily accessible hand sanitizer and hand washing facilities for employee use
- In a closed facility that is used for remote fulfillment:
 - There must be enough space within the facility for all employees present to be able to maintain six feet of social distancing
 - In a facility under 10,000 square feet, a maximum of 3 employees may be allowed on the premises at a time
 - In a facility between 10,000 – 30,000 square feet, a maximum of 5 employees may be allowed on the premises at a time
 - In a facility more than 30,000 square feet, a maximum of 7 employees may be allowed on the premises at a time
- Employee workspaces must be cleaned frequently, following public health guidelines

- Employers must require employees to self-administer a temperature check prior to beginning each shift. Any employee with any symptoms, including a temperature over 100.0 degrees, must not report to work and should self-isolate, contact their doctor and follow medical guidance.
- Employees in quarantine, due to exposure to a known case of COVID-19 or someone with COVID-19 like illness, must remain under quarantine for 14 days since day of exposure and not report to work
- Employers must strictly adhere to any further workplace guidance
- Facilities found in noncompliance with this order must be closed immediately
- Facilities unable to fully comply with all of these parameters shall not operate.
- If I work outside and can socially distance, can I keep running my business even if it isn't essential? **YES in some circumstances (see below).**
 - If the service a business provides is not on the essential services list, that business must cease all in-person activities at its bricks-and-mortar facilities. These non-essential businesses are encouraged to work remotely. Businesses that do work remotely, whether as part of their normal activities or as a result of this order, must maintain social distancing requirements: six feet of separation between all employees, and between employees and members of the public.
- What should I do if it is unclear if my business is essential, or if I have submitted a request for my industry to be added to the essential services list?
 - If a business, organization, or facility is unsure about whether or not it is considered “non-essential” it should:
 - First, carefully review the Order, the essential services list and the posted FAQ to confirm that the business, organization, or facility is not addressed in some way.
 - Second, if “non-essential” status is still unclear, make a good faith determination about whether it is “non-essential”, based on: i. the Order’s purpose, which is to “minimize all unnecessary activities outside of the home during the state of emergency”; and ii. how similar businesses,

organizations, and facilities are treated under the Order.

- Third, if the business, organization, or facility decides to remain open pending more detailed legal advice, strictly adhere to all applicable guidance from the CDC and DPH regarding social distancing and environmental cleaning and disinfection.
- What government services are still available (register of deeds, probate issues etc.)?
 - Consistent with the essential services list, state and local government can determine which of their government workers (and therefore services) are critical. Please consult [www.mass.gov \(/\)](http://www.mass.gov/) and your city or town hall for information about specific services
 - The essential services order does not apply to the courts; information on which court services are available can be found [here \(/guides/court-system-response-to-covid-19\)](#)
- Are suppliers and persons in supply chains for essential businesses allowed to stay open? **YES if they are supplying a core product relevant to the COVID-19 response.**
- Am I allowed to report a non-essential business not closed to my local board of health? **YES**
- I am an essential company with more than 10 employees. How do we comply with best practices? **You are allowed to operate while maintaining social distancing measures**
 - See [CDC guidance for businesses](#) (<https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html?deliver>)
- What are the rights of employees who believe they are working under unsafe conditions or are not essential and are being told to come into work?
[Contact](mailto:safepublicworkplacemailbox@mass.gov) (<mailto:safepublicworkplacemailbox@mass.gov>) **the Division of Labor Standards.**
- Who is responsible for enforcing the essential services order?
 - The order is enforced by the Department of Public Health, along with local boards of health or their authorized agents. Local boards of health will, as a

practical matter, lead enforcement efforts in most cases. If necessary, state and local authorities may call on the assistance of State or municipal police to enforce the order. Violations may result in civil fine of up to \$300 per violation, or criminal charges. Initial complaints should be directed to the local board of health.

- What should a local board of health do when it receives a complaint?
 - Upon receipt of a complaint, a local board of health should contact the business alleged to be in violation of the order to determine if the activities in question constitute an essential service. Local boards may direct the business to cease operations if they determine the business has failed to comply with the order, and may take such other enforcement action as it deems appropriate, including imposing fines or referring the matter for criminal prosecution.
- Who should the local board of health contact if they have questions about interpreting or enforcing the order?
 - When a local board of health needs help interpreting or enforcing the order, the board may contact the Executive Office of Housing and Economic Development for further guidance by sending any email to:
covid19.biz@mass.gov (<mailto:covid19.biz@mass.gov>).
- What if I reported an apparent violation of the order to my local Board of Health, and nothing happened?
 - Please follow up with your local board of health to determine the what action, if any, was taken in response to the complaint. If you are unable to receive a response from the local board of health, you may contact the Executive Office of Housing and Economic Development for further guidance by sending any email to: **covid19.biz@mass.gov** (<mailto:covid19.biz@mass.gov>).

Health Care/Public Health/Human Services

- Are chiropractors considered essential? **YES**

- Are massage therapists considered essential? **NO**
- Do medical device distributors and third party production of said products count as an essential service? **YES**
- Am I still allowed to see my therapist? **YES, although you should contact your provider about telehealth options.**
- Am I still allowed to see a physical therapist in person? **YES**
- Are furniture stores considered part of essential shelter services? **NO**
- Does a CBD retailer fall under medical marijuana? **NO**
- I work at a residential home for students. Am I essential? **YES**
- Should home health agencies stay operational? **YES**
- Can medical researchers still go to their workplaces to care for animals that are part of the research? **YES**
- Are bio-pharmaceutical research and development activities essential? **YES**
- Are embroidery/fabric makers for medical personnel and first responders considered essential? **YES**

Law Enforcement, Public Safety, First Responders

- Are car washes essential? **NO**
- What about car wash establishments that assist with the cleaning of public safety vehicles? Are they essential? **NO**
- Are security officers at office buildings deemed essential? **YES**

Food and Agriculture

- Are breweries and beer distribution covered under food/beverage? **YES**
- Do third party delivery services (Door Dash, Grubhub) count as essential services? **YES**
- Are nurseries essential? **Yes, if they sell food or food plants and follow DPH guidance (/doc/dph-nurseries-guidance).**

Energy

- Are manufacturers or distributors of equipment and parts used by the various energy sectors covered as essential? **YES**
- Are solar projects/installments still allowed to operate? **YES**
- Is the construction and development of electric generation, including residential solar, considered essential? **YES**
- Is HVAC an essential service? **YES**
- Why isn't heating oil considered an essential service? **Heating oil is a petroleum product and therefore included in essential services related to petroleum.**

Water and Wastewater

To come

Transportation and Logistics

- Are rideshare operators included in essential workers? **YES**
- Are rental car companies deemed essential? **YES**
- Are towing services and vehicle repair services deemed essential? **YES**

- Does auto body fall under auto repair designation? **YES**
- Can a car dealership close its showroom, but keep its service department/garage open? **YES**
- Are marine mechanics essential? **YES**
- Can bike shops be open? **YES if providing bicycle repair services**
- Can a car dealership be open for car sales? **YES, in a limited manner and only if following the guidelines for remote fulfillment, and the specific guidelines for car dealerships below**
 - The dealership must remain closed to the public and sales must be conducted exclusively via phone or online, and the dealership must follow the remote fulfillment guidelines specified elsewhere in this guidance document.
 - Test drives are not permitted.
 - To the maximum extent feasible, processing of documents should occur electronically. Any processing of documents that must occur in person should be done in compliance with social distancing protocols.
 - The transfer and delivery and return of vehicles (new or leased or trade-in) may be conducted in person by appointment only at the dealership, or at a customer's residence.
 - The dealership service department/garage may continue to operate as an essential service.

Communications and Information Technology

- Are independent IT workers/contractors still allowed to operate? **YES**
 - See Information Technology section of list for specifics
- Are printing services considered an essential communication function? **YES if media**
- My company does direct mail services and shipping, are we an essential service?

YES

Other Community-Based Essential Functions and Government Operations

- Are fitness centers or recreational facilities allowed to operate? **NO**
- Child care facilities are closed except for emergency child care operators, but can I still use my in-home nanny or babysitter? **YES**
- Are veterinary services and kennels and day pet care facilities essential? **YES**
- Is pet grooming essential? **NO**
- Storage Facilities? **YES**
- What real estate brokerage services are considered essential? **SEE SPECIFICS BELOW**
 - Residential and commercial real estate services, including settlement services, are essential
 - Open houses: While open houses are not prohibited, they are subject to the Governor's order about limiting gatherings to ten people and the DPH advisory to stay home. If an open house is held, the number of people in the home should be limited to 10 at a time and social distancing should be enforced.
- Are homeowners in the middle of buying a house still allowed to conduct house showings? **YES, if necessary and if social distancing can be practiced.**
- Are property management firms and landlords considered essential? **YES**
- Are recycling facilities an essential service? **YES**
- Are workers for nonprofits serving elderly communities essential? **YES**
- Are banks considered essential? **YES**
- I am a funeral home owner, is my entire business or only the moratorium aspects

my business expected to stay open? **You are not required to stay open, but you are allowed to operate with social distancing and abiding by the Governor's order of gatherings of no more than 10 people.**

- What if my business sells marijuana for both medicinal and recreational use? Am I essential?
 - Please see the Cannabis Control Commission's [guidance](https://mass-cannabis-control.com/covid19/) (<https://mass-cannabis-control.com/covid19/>)
- Are parks, hiking trails, wildlife sanctuaries allowed to stay open if they enforce proper social distancing measures? **YES**
- Are RV parks that are open year-round for housing essential? **YES**
- Are campgrounds and RV parks allowed to stay open if people live there year-round?
 - People who own or lease space in campgrounds or RV parks that are open year-round may continue living there.
- Are family-type campgrounds, including RV Parks, that operate seasonally for recreational purposes essential? **NO**
- Are tennis courts allowed to stay open if people maintain social distancing?
 - The Governor's order prohibiting assemblages of more than 10 people applies to all athletic events. Athletic activities that bring participants into close, physical contact, whether they are conducted indoors or outdoors, are prohibited even when involving 10 or fewer people

Critical Manufacturing

- What types of Manufacturing are considered critical or are included under this? **SEE LIST**
 - Manufacturing is referenced under the Health Care / Public Health, Law Enforcement, Food and Agriculture, Energy, Transportation and Logistics, Communications and Information Technology, Other Community-, Education-

or Government-Based Operations and Essential Functions, Critical Manufacturing, Chemical, Defense Industrial Base, and Hygiene Products and Services sections of the list – please consult each section

- Are there specific types of equipment or products that are deemed as essential? **SEE LIST**
 - Manufacturing is referenced under the Health Care / Public Health, Law Enforcement, Food and Agriculture, Energy, Transportation and Logistics, Communications and Information Technology, Other Community-, Education-, or Government-Based Operations and Essential Functions, Critical Manufacturing, Chemical, Defense Industrial Base, and Hygiene Products and Services sections of the list – please consult each section
- Is the manufacturing of medical marijuana deemed essential? **YES**
 - Please see the Cannabis Control Commission's **guidance** (<https://mass-cannabis-control.com/covid19/>)
- Is the manufacturing of medical marijuana deemed essential? **YES**
 - Please see the Cannabis Control Commission's **guidance** (<https://mass-cannabis-control.com/covid19/>)
- Can I manufacture goods to support the remote fulfillment of goods from a non-essential business? **NO, the remote fulfillment guidelines only allow for the packaging and delivery/shipping of phone and online orders, not the manufacturing of those products**

Hazardous Materials

- Is tree and snow removal considered a hazardous job? **NO but workers who support storm clean-up operations are essential.**

Financial Services

- Who is considered essential under financial services? **SEE LIST**

Chemical

- If swimming pools are closed, are companies who provide sanitation services still allowed to stay open? **NO only the sanitation services included on the list are essential**

Defense Industrial Base

To come

Commercial Facilities

To come

Residential/Shelter Facilities and Services

- Are hotels and other lodging places considered essential? **YES, under certain circumstances.**
 - Please see lodging guidance [here](#) (/doc/march-31-2020-hotel-motel-guidance)

Hygiene Products and Services

- What types of businesses are included under the janitorial/cleaning services? What

about independent workers? **SEE LIST**

- Based on the list, the following cleaning services under Healthcare/Public Health; Food and Agriculture; Transportation and Logistics; Construction-Related Activities; IT; Hazardous Materials; Chemical are considered essential.

Construction-Related Activities

- Is construction work considered essential? **IT DEPENDS. Construction generally is allowed to continue if it is essential infrastructure or is related to essential products, services and supply chain in COVID-19 relief efforts. Work may also proceed if it is needed for the operation or maintenance of an existing building, is expressly permitted within the exemption for a specific essential industry, or involves the production of new housing units. See the list for more specific guidance. All construction sites should incorporate protocols to ensure safe social distancing of workers.**
- Are we including all inspection services (e.g. fire systems, home code inspections etc. as essential?) **YES**
- Can businesses that don't operate out of a bricks-and-mortar location continue to operate? **YES with social distancing.**
 - If the service a business provides is not on the essential services list, that business must cease all in-person activities at its bricks-and-mortar facilities. These non-essential businesses are encouraged to work remotely. Businesses that do work remotely, whether as part of their normal activities or as a result of this order, must maintain social distancing requirements: six feet of separation between all employees, and between employees and members of the public.
- Is landscaping an essential service? **YES if providing services that are necessary to maintaining the safety, sanitation, and essential operation of residences, businesses and certain other buildings (see list for full details)**
- Is non-emergency tree removal considered an essential service? **NO but you may be able to continue operating (see below).**

- If the service a business provides is not on the essential services list, that business must cease all in-person activities at its bricks-and-mortar facilities. These non-essential businesses are encouraged to work remotely. Businesses that do work remotely, whether as part of their normal activities or as a result of this order, must maintain social distancing requirements: six feet of separation between all employees, and between employees and members of the public.
- Are municipal public works employees covered under public works? **YES**
- Are electrical contractors essential? **YES**
- Can construction on public housing still continue? **YES**
- Are public works contractors still allowed to operate for emergency calls? **YES**
- Is pest control considered essential? **YES**
- Are all plumbers covered? **YES**
- Is there a COVID19 safe job site protocols for construction workers? **State construction safety protocols can be found here** (</info-details/covid-19-employee-health-protection-guidance-and-prevention>); **all construction sites are urged to follow these guidelines.**

Distribution of Goods in Ecommerce and Distribution Centers

The list of essential services includes:

Workers supporting ecommerce through distribution, warehouse, call center facilities, and other essential operational support functions.

- **What does “ecommerce” mean in the context of the essential services list?**
 - Ecommerce has a limited meaning under the Essential Services Order. Although ecommerce in other contexts can refer broadly to any commercial

transaction conducted electronically on the Internet, for purposes of the Essential Services Order, ecommerce means telephone, internet, or other electronic transactions that result in (1) the shipping of goods and products that themselves would qualify a seller as providing a COVID-19 Essential Service if the seller offered the products through other means and these were the only products the seller offered; or (2) or the shipping of goods and products that are necessary for other COVID-19 Essential Services providers to conduct their essential work; or (3) the shipping of goods and products from a warehouse or distribution center that includes within its normal inventory goods covered in (1). This reflects the intention of the Order to substantially limit the number of workplaces open during the state of emergency in order to reduce out-of-home activity and transmission of the virus.

- Based on this rule, operations that offer only products such as furniture, most clothing for consumer purchase, cosmetics, jewelry, recreational equipment, or other consumer specialty items are not COVID-19 Essential Services. These operations are required to close their bricks-and-mortar locations in Massachusetts although they may be able to conduct remote order fulfillment if following the remote fulfillment guidelines specified elsewhere in this guidance document.
- **I am a retailer with a bricks and mortar location, but I also sell products on-line. May I continue to sell products on-line while my store is closed?**
 - It depends. Essential businesses may sell products online in accordance with the ecommerce guidance above. Retailers required to close their bricks-and-mortar locations under the Order because they do not provide essential services may only fulfill online or phone orders from a Massachusetts bricks-and-mortar location when following the remote fulfillment guidelines specified elsewhere in this guidance document.
- **Can all distribution centers, warehouse, and call centers continue to operate?**
 - No. Distribution centers, warehouses, and call centers can continue to operate only if they support the types of ecommerce described above or are engaged in limited remote fulfillment in accordance with the remote fulfillment guidelines

specified elsewhere in this guidance document, including in particular the limitations on total number of employees who may be present at a business premises engaged in approved remote fulfillment.

Other

- What types of shops are allowed to stay open?
 - Convenience Stores – **YES**
 - Office supply or electronics stores? **YES if selling hardware, home appliances or other essentials; additionally, limited remote fulfillment for non-essential stores may be possible if following the remote fulfillment guidelines specified elsewhere in this guidance document.**
 - Other Shops (e.g. Flower shops, Book shops) – **NO although limited remote fulfillment may be possible under the remote fulfillment guidelines specified elsewhere in this guidance document.**
- Hardware stores are allowed to stay open, does that include repair shops? Stores that also do repairs for appliances? **YES**
- Do casket manufacturer for funerals count as essential as well? **YES**
- Are golf courses considered essential? **NO**
- Are stores that could potentially sell essential items (e.g. a craft store that sells masks, gloves) allowed to stay open? **Only if the essential items are the primary goods sold at the store.**
 - **Remote fulfillment for non-essential stores may be possible on a limited basis if strictly following the remote fulfillment guidelines specified elsewhere in this guidance document.**
- Are movers—moving people into new homes—classified as essential? **YES**
- Can retail stores that do not qualify as essential services do business through curbside pick-up? **NO**

- Are car washes essential? **NO**

General Questions – Stay-at-home Advisory Related

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 - Convenience Stores – **YES**
 - Office supply or electronics stores? **YES if selling hardware, home appliances or other essentials; additionally, limited remote fulfillment for non-essential stores may be possible if following the remote fulfillment guidelines specified elsewhere in this guidance document.**
 - Other Shops (e.g. Flower shops, Book shops) – **NO although limited remote fulfillment may be possible under the remote fulfillment guidelines specified elsewhere in this guidance document.**
- Hardware stores are allowed to stay open, does that include repair shops? Stores that also do repairs for appliances? **YES**
- Do casket manufacturer for funerals count as essential as well? **YES**
- Are golf courses considered essential? **NO**
- Are movers—moving people into new homes—classified as essential? **YES**
- My business is non-essential but has modified its operations to sell, manufacture, produce or distribute personal protection equipment (PPE) or materials used to manufacture PPE. Do the employees engaged in PPE-related activities count in the total number of employees who are allowed to be on premises for remote order fulfillment of non-essential goods?
 - **Only those employees engaged in remote order fulfillment unrelated to PPE are subject to the cap on employees allowed under the remote fulfillment**

guidance. However, all employees – regardless of which activities they're engaged in – must be able to socially distance within the store or facility.

Did you find what you were looking for on this webpage?

Yes No

SEND FEEDBACK